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Forty-first session

SUMMARY RECORD OF THE 1051st MEETING

Held at Headquarters, New York,
on Thursday, 4 April 1991, at 10 a.m.

Chairman: Mr. POCAR

later: Mr. AGUILAR (Vice-Chairman)

later: Mr. POCAR (Chairman)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Panama (CCPR/C/42/Add.7 and 11)

1. At the invitation of the Chairman, Mr. Cruz and Mr. Pereira Burgos (Panama) took places at the Committee table.

2. Mr. CRUZ (Panama), introducing his Government's report, observed that it was being submitted in very special circumstances, since on 20 December 1989 a democratically elected Government had taken power from the military dictatorship that had ruled since 1968. Ever since taking office, the current Government had taken significant steps to improve the human rights situation in Panama.

3. He had to admit that most of the people of Panama were somewhat ignorant of the international system for the protection of human rights. Panama had ratified the Covenant in 1976 and the Inter-American Convention on Human Rights in 1978, and the latter was probably a little better known among the people because of the proximity of Costa Rica, where the Inter-American Institute of Human Rights and the Inter-American Court of Human Rights were based.

4. There was no doubt that much still remained to be done in the area of human rights in Panama, but the main point was that the Government now had the political will to promote the human rights of both nationals and foreigners.

Constitutional and legal framework within which the Covenant is implemented (articles 2 (2) and (3) of the Covenant) (section I of the list of issues)

5. The CHAIRMAN read out section I of the list of issues concerning the second periodic report of Panama, namely: (a) the status of the Covenant, the manner in which any conflict between the Covenant and domestic law could be resolved, the possibility that any subsequent legislation might suspend the Covenant in view of the latter's status as "municipal law"; (b) the possibility of invoking the Covenant directly before the administrative authorities and courts in Panama, and the outcome of any cases where the provisions of the Covenant had been directly invoked before the courts; (c) comments on whether the removal, under Act No. 33 of 1984, of one of the available generic remedies applicable in administrative matters had in fact been advantageous to individuals; and (d) information on activities promoting greater awareness, on the part of both administrative authorities and the public, of the provisions of the Covenant and the Optional Protocol.

6. Mr. CRUZ (Panama), referring to section I (a) of the list of issues, said that the Covenant ranked at least as high as the Constitution, if not

(Mr. Cruz, Panama)

higher. Admittedly, in the past there had been various theories as to the status of the Covenant in Panama, some jurists ranking it above the Constitution, some at the same level and others beneath it. Such inconsistencies were reflected in Panama's reports to the Committee, where the Covenant was described as having the status of "municipal law" (as in CCPR/C/42/Add.7, para. 5). However, the Supreme Court of Justice had some years earlier, in a case challenging the constitutionality of a treaty, declared that it was impossible to consider a treaty unconstitutional because of the supranational nature of treaties; and since article 4 of the Constitution further established that Panama abided by the rules of international law, there was no question that the Covenant had at least constitutional rank. Thus, no subsequent law could derogate from the Covenant, any more than could the Supreme Court itself, which did have the power to suspend domestic laws. Were there ever a conflict between a provision of the Covenant and a domestic law, a Supreme Court ruling on the matter could be obtained, as had been done in the case of other, bilateral treaties.

7. Referring to section I (b) of the list of issues, he said that the provisions of the Covenant could be invoked directly before the administrative authorities and courts in Panama and that they had been, particularly during the last three or four years of the dictatorship. Many habeas corpus actions had invoked the provisions of the Covenant as well as of domestic legislation. However, it must be said that the Supreme Court in Panama had never in its rulings taken into account the provisions of the Covenant. As he had indicated, there was a tremendous lack of knowledge of the availability of such international protection of human rights.

8. With respect to section I (c) of the list of issues regarding the legislation referred to in paragraph 17 of the report (CCPR/C/42/Add.7), he pointed out that Act No. 33 had been enacted in 1974, not 1984, and assured the Committee that the reform had indeed been beneficial to individuals, since it had speeded up administrative procedures and provided new administrative remedies.

9. With reference to section I (d), he pointed out that while Act No. 2 of 1984 had established the mandatory teaching of human rights in all the schools of the country, it had never been put into effect. The Ministry of Education under the new Government, however, had since 1989 been working, with the assistance also of non-governmental organizations involved in human rights, to promote the teaching about human rights, from the primary schools through the universities.

10. Furthermore, the Government, in pursuance of resolution 1990/58 on advisory services in the matter of human rights and resolution 1990/59 on voluntary contribution funds for advisory services and technical assistance in the matter of human rights, had requested technical assistance and advice from the United Nations Centre for Human Rights, especially with regard to the administration of justice in Panama.

11. Mr. PRADO VALLEJO, welcoming the particularly distinguished delegation from Panama, nevertheless observed that the two parts of the report before the Committee, from both the former and the current Government, were incomplete and had not followed the guidelines. He understood the problems in Panama, however, and it was clear that there was now a new will in the country to comply with the Covenant. He himself, as a member of several high-level Inter-American human rights commissions of inquiry in Panama had met, both before and after the invasion, with high Panamanian officials and could attest to the fact that the climate was indeed different. There was now, for instance, freedom of the press and a determination to respect the results of popular elections.

12. In the interest of a constructive dialogue on the successes and difficulties experienced in Panama, he thought it important to give a general review of the situation in the country. President Endara, earlier prevented by General Noriega from taking office, had taken power on 20 December 1989, just before the invasion by United States forces. Consequently, a legitimate government had existed before the invasion, as had the country's domestic human rights legislation and the provisions of the Covenant and other international human rights instruments.

13. What had happened after the new Government took power, however, was distressing. Arrests and political persecutions had become widespread: many citizens had been dragged from their homes and detained unlawfully, without detention orders from a competent authority and on no specific charges, they had been denied the right to defend themselves, and had been subjected to violent treatment. Worse yet, the arrests had been carried out largely by members of the United States Canal Zone military forces, allegedly at the request of the Government but certainly with the connivance and consent of the authorities. Anyone who had opposed the United States invasion, who had supported Noriega, or who had served in the Defence Force was considered an enemy. It was true that General Noriega had been a Fascist dictator; but Noriega was an accident in the history of Panama, whereas legal norms were permanent. It was therefore legitimate to ask what steps the Government should have taken to prevent such monstrous violations of human rights in Panama after the invasion and why steps had not been taken. As a member of an Inter-American commission of inquiry in Panama, he had personally received a formal statement from Mr. Cruz, as his country's Attorney-General, that the Government had never authorized or requested United States military assistance in any arbitrary detentions or violations. Why, then, did they continue?

14. Moreover, it should be noted that the Government had acquiesced in the invasion by the United States, even though it violated the Charter of the Organization of American States and international law, being a failure to seek a peaceful solution, an intervention in internal affairs and a denial of the legitimate exercise of self-determination by the people of Panama.

(Mr. Prado Vallejo)

15. The most serious human rights violations occurred after President Endara had taken office. There had been, for instance, the wholesale destruction of entire neighbourhoods in Panama City, a virtual genocide with sophisticated weapons. On the basis of data compiled by the Inter-American commission sent to Panama - which differed from the Government's data - as many as 2,000 had died or disappeared, 15,000 families had been left homeless and were still living in schools or old army bases around the Chorillos district, and 5,000 had been detained in military barracks with government consent, in open violation of the Covenant. Despite the large number of disappeared persons, virtually no investigations had been made and the proceedings, if any, had been summary and violent. In Colón, the second city of Panama, 2,000 had been detained under the same circumstances. Eleven mass graves had been discovered. More than a year after the invasion, only 20 per cent of the Chorillos sector had been reconstructed with partial United States aid, where full aid had been promised. Thousands of refugees were living in various localities in sub-human conditions. To his knowledge no measures had been taken to prevent the situation just described, but he would appreciate information about any government action that might have been taken.

16. Unfortunately, in addition to the lack of individual protection and the material damage, a series of measures had been enacted that violated the Covenant, such as Act No. 25 revoking all the hard-gained social rights of workers; the property of the allies of Noriega had been confiscated, orders had been issued for detentions on political grounds, the rules of asylum had been violated by refusals to give safe conduct passes to persons in embassies, and peaceful demonstrations, which had been termed "anti-democratic" demonstrations, had been prohibited, with the further decree that civil servants participating in such demonstrations would be immediately dismissed. There was, consequently, juridical insecurity in Panama as well as political insecurity.

17. Immediately after the invasion, 16,000 denunciations had been filed against 35,000 members of the previous Government, and it had been decided that a simple denunciation was sufficient grounds for freezing the assets and seizing the property of the person accused. One hundred appeals on the ground of unconstitutionality were currently before the Supreme Court, but none had been acted on. Therefore, justice was being denied and a kind of judicial terrorism reigned.

18. Moreover, there was also a lack of public safety. The Government was not in a position to maintain public order because of the overhaul of the police force, not even in the case of student demonstrations. Under the circumstances, private security forces equipped with heavy weapons had been set up. The Panamanian police, generally unarmed, sought to maintain public order in joint patrols with armed United States military personnel, which was against Panamanian law. In the recent attempted coup, the Government had had to call on the United States military for help. In short, one year after the invasion, there was still a foreign presence in Panama and it appeared that it

(Mr. Prado Vallejo)

would last indefinitely. In such a situation, the Covenant could not be enforced.

19. He had felt obliged to draw that painful picture of the situation because the list of issues was not comprehensive enough, and he believed it would allow the Committee to examine better how the Covenant was being applied. He emphasized that Panama was a country with which his own had always had very close ties and shared common struggles.

20. Mr. AGUILAR recalled from that from 1959 to 1989, Panama had been governed by the army, and that the latter part of that 30-year period had brought the country much tragedy. Constitutional reform was currently under way and he would appreciate more information about it, including details on the abolition of the army, and the establishment of a police force responsible for national security. As Mr. Prado Vallejo had said, the police force might be unable to carry out some of the functions which it should be performing, but that was due to the unfortunate situation that had culminated in the events of December 1989. He believed that it was an interesting and valid approach to disband the defence forces, and requested further information.

21. Mr. SADI welcomed the return of democracy to Panama and asked whether he was correct in believing that no specific legal provisions had been adopted to incorporate the Covenant into Panamanian law. Paragraph 5 of the report stated that the Covenant had the status of municipal law and might be invoked in the courts of law by any citizen, but no details had been provided on how that had come about. He wondered whether it was merely an academic notion that had yet to be specifically tested before a Panamanian court and asked whether the Government would consider seeking a declaratory judgement on the status of the Covenant from the country's highest court.

22. Mr. MAVROMMATIS said that, as had already been pointed out, the reports submitted were neither in the form which the Committee would have wished, nor were they sufficiently detailed. It was important to know, however, whether the present Government stood by the content of the report submitted by the previous dictatorial government.

23. For his part, he did not believe that the situation in Panama was quite as dire as Mr. Prado Vallejo had described it. He, too, had visited Panama several times for professional reasons, and had seen at first hand the efforts of the new Government to improve the situation. He had discussed human rights issues with the Government at the highest levels, and had confidence in the sincerity of the Government's intentions. He would welcome more details on the Government's plans and achievements with respect to amendment of the Constitution and changes in the judiciary. He also sought the delegation's views on whether the presence of the United States was still very evident.

24. Mr. MYULLERSON said that taking into account the time which had passed, and the events which had taken place, since the submission of the first report, and the shortness and sparsity of the second one, the Committee was entirely justified in seeking further clarifications on all aspects of the Covenant. He wished to know whether the Covenant and the Optional Protocol were well known in Panama. The Constitution stated that the Covenant was fully valid but gave no information on what had actually been done to give practical effect to its provisions.

25. There had been gross violations of human rights under the Noriega regime, and he wondered why people had not turned to the courts to enforce their rights under the Covenant. While Panama was a party to the Optional Protocol and violations of human rights had occurred and were still occurring, there were no communications before the Committee on such violations. He wondered why individual Panamanians whose rights had been violated were not invoking their rights under the Covenant and submitting communications to the Committee.

26. A detailed explanation of how amparo operated would be appreciated. Specifically, he wished to know whether amparo could be invoked in connection with the violation of rights enshrined in the Covenant, before what court an action would be instituted and what remedy could be ordered (for example, an order to desist from the violation, compensation, or a change in the law). He also asked how often the right of amparo had been exercised by individuals in Panama and sought information on the relationship between habeas corpus and amparo, and on whether a detainee could in fact claim both of them.

27. Mr. EL-SHAFEI agreed with earlier speakers that both reports before the Committee were deficient. However, the report in document CCPR/C/42/Add.11 did list a number of positive steps that had been taken after the change of Government: restoration of the independence of the judiciary and of the public prosecutor's office, restoration of judicial guarantees laid down in the Constitution, the repeal of undue restrictions on amparo, and recognition of the jurisdiction of the Inter-American Court of Human Rights. The Committee would welcome more information on all of those points.

28. Turning to document CCPR/C/42/Add.7, where it was stated in paragraph 17 that Act No. 33 of 1974 had eliminated the right to transfer a case to a higher jurisdiction in matters relating to administrative policy, he asked whether the right of appeal against the decision of the administrative court still existed. Paragraph 20 of that document, quoting article 203 of the Constitution which dealt with the constitutional and legal functions of the Supreme Court of Justice, said that parties might make a notification only once in each type of court. He asked for an explanation of that procedure.

29. Mrs. HIGGINS expressed regret that in preparing the additional report in document CCPR/C/42/Add.7, the new Government had not followed the Committee's guidelines. More detail was required. The same applied to the 1988 report (CCPR/C/42/Add.7), extensive parts of which referred the reader back to an addendum to the initial report which the Committee had requested. Checking

(Mrs. Higgins)

that addendum, however, she had found that in many cases no information was given there, and in consequence there were large areas of Panamian law and practice about which the Committee had been left in the dark. She very much hoped that as it made a new beginning Panama would enable the Committee to piece together a picture relating to each of the articles of the Covenant, so that the Committee could help to foster the progress which it believed the Panamian Government was determined to make.

30. She had appreciated the frankness of Mr. Cruz in stating that the Covenant was not well known in Panama. Together the Committee and Panama should try to identify what could be done, and she therefore suggested that the delegation should give information on the plans made to ensure that the existing remedies, namely, the possibility of addressing individual communications to the Committee under the Optional Protocol or invoking the Covenant before the courts, were known to the people.

31. While noting that a new Government was now in place, she emphasized that under international law it was the State that was responsible under the Covenant. The Committee would not, therefore, be able to ignore events which had taken place since the consideration of Panama's initial report in 1984.

32. In a transition from dictatorship to democracy, difficulties often arose in striking a proper balance between the need to promote human rights by punishing past violations, on the one hand, and the need for reconciliation for the future, on the other. In the case of Panama, the Committee was aware of anxiety in some quarters that those who had been associated with past repression might not obtain fair treatment under the current regime. She asked for information on the Government's policy in that regard. The Attorney-General had announced an investigation into offences involving infringement of freedom of expression, and she wondered whether other, more comprehensive investigations were planned.

33. Mr. WENNERGREN said that he, too, was disappointed that the reports were not in the form the Committee would have wished, although he understood the special circumstances in which they had been drawn up. He would welcome details about the Administrative Code in Panama, and, specifically, on the safeguards it offered to individuals.

34. Mr. SERRANO CALDERA said he shared the concerns expressed by previous speakers; the report submitted by Panama did not deal with many important points and left a number of doubts concerning the constitutional and legal framework guaranteeing the enjoyment of human rights. In connection with section I of the list of issues concerning Panama's second periodic report, he noted that the representative of Panama had said that the Covenant had been incorporated into the Panamanian Constitution and had in fact been given priority over the latter; he wondered where that was stated in the country's legislation. He also wondered whether any appeals had been made under the Covenant, for example, to the Supreme Court of Justice, and if so what the

(Mr. Serrano Caldera)

outcome had been. He would like to know, further, what plans the Government had to safeguard human rights in practice.

35. Mr. LALLAH said he agreed with previous speakers that the two reports submitted did not provide the basis for a constructive dialogue; he hoped, however, that progress could be made on the basis of the answers provided by the representative of Panama to the Committee's questions.

36. It appeared from the fact that the Committee had received no communications under the Optional Protocol that neither the Covenant nor the Optional Protocol were well known in Panama; he asked what steps would be taken to make them better known and more fully utilized. He wondered also to what extent the people, especially the poor, had access to the courts and to legal assistance. Referring to article 2 (3) (a) of the Covenant, he asked for information about the laws and regulations applying to the police, and, specifically, whether the police were subject to the same standards as those applying to civilian authorities. He also asked whether foreign troops outside the Panama Canal zone were subject to Panamanian jurisdiction and what legal recourse was available if those troops committed violations of human rights.

37. Mr. Aguilar (Vice-Chairman) took the Chair.

38. Mr. CRUZ (Panama) said that there was indeed a lack of knowledge of the Covenant in Panama, just as there seemed to be a lack of knowledge among Committee members about the human rights situation in Panama; the responsibility in both cases rested with his Government. He hoped, however, that it would be possible to begin to improve that situation through the current dialogue. He hoped also that the third report to be submitted by Panama would resolve the problems Committee members had referred to.

39. It was perhaps because of the lack of knowledge of the human rights situation in his country that some members of the Committee had an inaccurate image of Panama. The United States presence in Panama predated even the separation of Panama from Colombia; the military intervention of 20 December 1989, although uninvited, was a reality. His Government's chief concern was for the future of Panama and the consolidation of democracy there. Achievement of the latter aim required a reconciliation of the conflicting elements within the country.

40. Replying to the question asked by Mr. Prado Vallejo concerning extra-legal arrests, he said that during the United States invasion many people had been detained by the United States forces. As soon as those people had been turned over to the Government, all those against whom there were no charges had been released. All those who were still under detention had been charged with offences and were in fact represented by legal counsel. They were not being ill-treated.

(Mr. Cruz, Panama)

41. Before 1989, Panama had existed for many years under a military dictatorship; there was a great ignorance of penal law in the country because that law had fallen into complete neglect. As soon as the new Government had come into office, the judiciary and the Prosecutor's Office had been reorganized; over the last 14 months, 40,000 criminal cases had been processed, and many of those charged in criminal cases had been turned over to the courts. He did not wish to imply that the system was functioning perfectly; sometimes detentions he himself had ordered were revoked or overruled by the Supreme Court. But he was glad when that happened because it was an indication that the system was functioning properly.

42. Responding to Mr. Prado Vallejo's question concerning the prosecution of former officials, he said that the Government was under pressure both to be more lenient and to be more severe. It was the task of the Prosecutor's Office to strike a balance between those extremes, and in following that course the Government might be said to have taken another first step towards reconciliation among Panamanians. He himself continued to believe that over-hasty justice was as bad as justice delayed.

43. Replying to another question, he said that the United States military presence in Panama had been dwindling steadily and it was hoped that it would soon be a thing of the past.

44. A question had been asked concerning the distinction between habeas corpus and amparo. Both were intended as guarantees of human rights, but the first was the specific remedy guaranteeing individual freedom and was the only remedy for which detained persons could apply.

45. With respect to the number of constitutional challenges still pending, of which there were 43 and not 100, he said that machinery had been established to deal with them and it was hoped that all the actions would proceed shortly to the Supreme Court.

46. Turning to requests for information about the codes in force, he said that the oldest and most important of them was the Administrative Code, but that had fallen into disuse because it had been superseded by other legislation. An office had been established under a 1974 law to investigate administrative errors, but the law had been much criticized and the current Government had proposed that it should be abolished. References to the Administrative Code were therefore now virtually academic. Access to the courts, and to legal assistance, especially by the poorest members of society, was a complicated problem, as it was linked to the other problems he had mentioned earlier which were the legacy of many years of military dictatorship. Provisions for access to free legal aid had been made in legislation enacted in 1983, but practical arrangements still had to be worked out. No police code existed, but the Government was working on a series of regulations to ensure proper conduct by the police, especially in the use of firearms. What was important was that the political will now existed on the

part of the Government to ensure that the administration of justice was honest and lawful.

47. Much remained to be done, of course, for example in establishing the conditions for membership in the judiciary. The new Administration was continuing its efforts in that direction; only recently it had introduced a new Legal Code and begun working on regulations to ensure the independence of the judiciary.

48. Mr. PRADO VALLEJO welcomed the statements by Mr. Cruz that no Panamanian had called for the invasion, that there was now a firm policy to consolidate democracy and embark upon national reconstruction, and a political will to protect human rights, all of which demonstrated the good faith of the Government of Panama. When referring earlier to the problems of detainees, he had meant those non-Panamanians held in military barracks, and while it was possible to disagree over the means used to get rid of General Noriega, there was no disagreement over the need to get rid of him. Under current legislation, full sovereignty over the Panama Canal was to be handed to the Government of Panama by the year 2000, but he had learned from certain outside sources that because Panama's political institutions were so weak that handover might not happen. He sought assurance that it would.

49. Mr. CRUZ (Panama), returning to a question that had been asked in connection with section I (a) of the list of issues, said that it was generally accepted in Panama that any treaty signed by the Government could lead to a constitutional challenge on grounds that it was supranational, but the Supreme Court was now composed of distinguished jurists who were familiar with human rights legislation. As for the Panama Canal Treaty, its provisions would be respected and complied with so that in the year 2000 United States armed forces would leave. The previous military dictatorship had demonstrated that it was not capable of guaranteeing that outcome, and for that reason it was necessary to consolidate democracy in Panama.

Self-determination (article 1 of the Covenant) (section II of the list of issues)

50. The CHAIRMAN read out section II of the list of issues concerning the second periodic report of Panama, namely: (a) whether Panama had taken any measures to prevent public and private support for the apartheid regime in South Africa; and (b) Panama's position with regard to the rights of the Palestinian people, and whether the policy outlined in paragraphs 11 and 12 of the report still applied.

51. Mr. PEREIRA BURGOS (Panama) said that the Government of Panama had voted in favour of all United Nations resolutions against apartheid, including those which involved the application of sanctions. Diplomatic relations with South Africa had been suspended in 1985, and although the situation was now somewhat different the Government of South Africa had not changed its attitude

(Mr. Pereira Burgos, Panama)

sufficiently for normal relations to be re-established. The Panamanian authorities were considering the imposition of measures to punish violations of economic sanctions against South Africa; they would include measures against Panamanian-registered shipping. During its consideration of the initial report submitted by the Government of Panama, the Committee had expressed its satisfaction with the position taken with respect to apartheid, and no further action had been either requested or suggested.

52. With respect to the question asked under section II (b) of the list of issues, he said that the Government of Panama maintained diplomatic relations with Arab States as well as with Israel, and its position was that Israel should withdraw from the occupied territories and that there should be recognition of and security for the State of Israel as part of an overall Middle East peace settlement.

53. Mr. SADI asked if the Government of Panama regarded self-determination in its domestic dimension as requiring a continuing system of democratic parliamentary rule.

54. Mr. MYULLERSON requested clarification of Panama's position on the principle of non-interference. It was his belief that the countries of Latin America had always been active in strengthening the principle of non-interference, and although the overthrow of General Noriega as a result of intervention had resulted in the replacement of a dictator by a democratic government, that was not always what happened. More often than not, the result of such intervention was the imposition of a dictatorship.

55. Mr. Pocar (Chairman) resumed the Chair.

56. Mrs. HIGGINS asked when the next national elections were due in Panama, and whether any special measures were envisaged to ensure that in those elections there was a proper choice between political parties.

57. Mr. PRADO VALLEJO said that there was sometimes a degree of misunderstanding in Panama regarding the assistance which American countries might have provided through the Organization of American States. There were no grounds for allegations which he had heard that Latin America had turned its back on Panama in its struggle against General Noriega. Mr. Cruz had more or less suggested the same. The countries of Latin America had to uphold the principle of non-intervention. The Organization of American States had sent to Panama a commission composed of foreign ministers, which had spent several weeks trying to achieve national reconciliation, to induce General Noriega to relinquish power and to install Mr. Endara, who had won the election. The OAS mission had failed, but not for lack of trying.

58. Mr. CRUZ (Panama) said that there had to be a balance between the principle of non-interference and the principle of the self-determination of peoples. The next national elections in Panama were due to be held in

(Mr. Cruz, Panama)

May 1994, five years after the last ones, and the only measure that should be adopted in order to ensure that they were held as democratically as possible would be the drawing up of a new electoral code.

59. Mr. PEREIRA BURGOS (Panama) said that the question was to determine the limits of non-interference and self-determination respectively, and to determine how both concepts applied in the domestic and international legal contexts. Historically, the countries of Latin America had supported the principle of non-interference as a doctrine aimed at preventing interference in the region by the United States, but the principle could not be applied equally to dictatorships and democracies. For example, electoral fraud could not be permitted on the ground that the principle of non-interference precluded any action against it. After all, the Human Rights Committee itself existed more to defend the rights of the citizen than the rights of Governments and States. The Government of Panama regularly supported every initiative in defence of human rights without giving thought to votes that might be lost. It did not oppose the competence or jurisdiction of any United Nations human rights body. It sought to defend human rights in the broadest terms everywhere, and took pride in its human rights record. It had a binding rule that it did not recognize any Government that resulted from a military coup or from electoral fraud.

60. The United Nations had recently authorized military intervention in the Gulf, and the Government of Panama had hoped that the Organization of American States might have taken similar action with respect to Panama. The Government of Panama had told the Organization of American States that it would always strive within that body to ensure that Governments which were not democratic would not be able to impose their will on people who were making free use of their right to self-determination.

The meeting rose at 1.05 p.m.